Spurt in advertisement industry

†1734. DR. MURLI MANOHAR JOSHI:
SHRI RAJ MOHINDER SINGH MAJITHA:

Will the Minister of INFORMATION AND BROADCASTING be pleased to state:

(a) whether there has been a continuous spurt in the advertisement industry of the country during the last few years;

(b) if so, the rate of annual growth during 2003-04,2004-05 and 2005-06;

(c) the amount of business transacted during each of the above years; and

(d) the year-wise amount paid to Government in form of tax during the above period on account of this business?

THE MINISTER OF INFORMATION AND BROADCASTING (SHRI PRIYARANJAN DASMUNSI): (a) to (d) The Ministry of Information & Broadcasting is the nodal Ministry for dissemination of information to the masses regarding Government's developmental plans and policies. This Ministry's Media Unit—Directorate of Advertising and Visual Publicity-caters to the communication needs of all Central Ministries/Departments. As such, information in respect of the whole advertisement industry throughout the country is not centrally maintained in this Ministry.

Live Telecasting of Cricket Matches on Doordarshan

†1735. SHRI MOTILAL VORA:
SHRI SATYAVRAT CHATURVEDI.

Will the Minister of INFORMATION AND BROADCASTING be pleased to state:

(a) whether it is fact that the match between India and West Indies, played in Cuttack, was telecast on Doordarshan after a delay of seven minutes;

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†Original notice of the question was received in Hindi.

(b) if so, the reasons therefor; and

(c) the arrangement being made by Government to ensure that all the matches played with India in future are telecast live on Doordarshan?

THE MINISTER OF INFORMATION AND BROADCASTING (SHRI PRIYARANJAN DASMUNSI): (a) Yes, Sir.

(b) The telecast of the match was delayed on Doordarshan as per the interim direction of the Hon'ble High Court of Delhi dated 23.1.2007.

(c) The President has promulgated "The Sports Broadcasting Signals (Mandatory Sharing with Prasar Bharati) Ordinance, 2007" on 2nd February, 2007 [copy given at the Statement (See below)] to provide access to the largest number of listeners and viewers, on a free to air basis, of sporting events of national importance through mandatory sharing of sports broadcasting signals with Prasar Bharati. It will enable live telecast of cricket matches featuring India and other teams. The said Ordinance has been sought to be replaced by a Bill which has been passed by both Houses of the Parliament.

Statement

Copy of the Sports Broadcasting Signals (Mandatory Sharing with Prasar Bharati) Ordinance, 2007

MINISTRY OF LAW AND JUSTICE

(Legislative Department)

New Delhi, the 2nd February, 2007/13 Magha, 1928 *(Saka)*

THE SPORTS BROADCASTING SIGNALS (MANDATORY SHARING WITH PRASAR BHARATI) ORDINANCE, 2007

No. 4 of 2007

Promulgated by the President in the Fifty-eighth Year of the Republic of India.

An Ordinance to provide access to the largest number of listeners and viewers, on a free to air basis, of sporting events of national importance through mandatory sharing of sports broadcasting signals with Prasar Bharati and for matters connected therewith or incidental thereto.

Whereas Parliament is not in session and the President is satisfied

that circumstances exist which render it necessary for him to take immediate action;

Now, Therefore, in exercise of the powers conferred by clause (1) of article 123 of the Constitution, the President is pleased to promulgate the following Ordinance:—

CHAPTER I

Preliminary

Short title, extent and Commencement

1. *(1)* This Ordinance may be called the Sports Broadcasting Signals (Mandatry Sharing with Prasar Bharati) Ordinance, 2007.

(2) It extends to the whole of India.

(3) Save as otherwise provided, it shall be deemed to have come into force on the 11th day of November, 2005.

Definitions.

2. *(1)* In this Ordinance-, unless the context otherwise requires,—

(a) "broadcaster" means any person who provides a content broadcasting service and includes a broadcasting network service provider when he manages and operates his own television or radio channel service;

(b) "broadcasting" means assembling and programming any form of communication content, like signs, signals, writing, pictures, images and sounds, and either placing it in the electronic form on electro-magnetic waves on specified frequencies and transmitting it through space or cables to make it continuously available on the carrier waves, or continuously streaming it in digital data form on the computer networks, so as to be accessible to single or multiple users through receiving devices either directly or indirectly; and all its grammatical variations and cognate expressions;

(c) "broadcasting service" means assembling, programming and placing communication content in electronic form on the electro-magnetic waves on specified frequencies and transmitting it continuously through broadcasting network or networks so as to enable all or any of the multiple users to access it by connecting their receiver devices to their respective broadcasting networks and includes the content broadcasting services and the broadcasting network services;

(d) "broadcasting network service" means a service, which provides a network of infrastructure of cables or transmitting devices for carrying broadcasting content in electronic form on specified frequencies by means of guided or unguided electro-magnetic waves to multiple users, and includes the management and operation of any of the following:

(i) Teleport/Hub/Earth Station,

(ii) Direct-to-Home (DTH) Broadcasting Network,

(iii) Multi-system Cable Television Network,

(iv) Local Cable Television Network,

(v) Satellite Radio Broadcasting Network,

(V) Any other network service as may be prescribed by the Central Government;

(e)"cable television channel service" means the assembly, programming and transmission by cables or any broadcasting television content on a given set of frequencies to multiple subscribers;

(f) "cable television network" means any system consisting of closed transmission paths and associated signal generation, control and distribution equipment, designed to receive and re-transmit television channels or programmes for reception by mutiple subscribers;

(g) "community radio service" means terrestrial radio broadcasting intended and restricted only to a specific community and within specified territory;

(h) "content" means any sound, text, data, picture (still or moving), other audio-visual representation, signal or intelligence of any nature or any combination thereof which is capable of being created, processed, stored, retrieved or communicated electronically;

(i) "content broadcasting service" means the assembling, programming and placing content in electronic form and transmitting or retransmitting the same on electromagnetic waves on specified frequencies, on a broadcasting network so as to make it available for access by Multiple users by connecting their receiving devices to the network, and includes the management and operation of any of the following:

(i) terrestrial television service,

(ii) terrestrial radio service,

(Hi) satellite television service,

(iv) satellite radio service,

(v) cable television channel service,

(vi) community radio service,

(vii) any other content broadcasting services as may be prescribed by the Central Government;

(j) "Direct-to-Home (DTH) broadcasting service" means a service for multichannel distribution of programmes direct to a subscriber's premises without passing through an intermediary such as a cable operator by uplinking to a satellite system;

(k) "Guidelines" means the Guidelines issued under section 5;

(I) "multi-system cable television network" means a system for multi-channel downlinking and distribution of television programmes by a land-based transmission system using wired cable or wireless cable or a combination of both for simultaneous reception either by multiple subscribers directly or through one or more local cable operators;

(m) "Prasar Bharati" means the Corporation known as the Prasar Bharati (Broadcasting Corporation of India) established under sub-section (1) of section 3 of the Prasar Bharati (Broadcasting Corporation of India) Act, 1990; 25 of 1990.

(n) "prescribed" means prescribed by rules made under this ordinance;

(o) "satellite television service" means a television broadcasting service provided by using a satellite, and received with or without the help of a local delivery system but does not include Direct-to-Home delivery service;

(p) "satellite radio service' means a radio broadcasting service provided by using a satellite and directly receivable through receiver sets by multiple subscribers in India;

(q) "Service Provider" means provider of a broadcasting service;

(r) "specified" means specified under the Guidelines issued under section 5;

(s) "sporting events of national importance" means such national or international sporting events, held in India or abroad, as may be notified by the Central Government in the Official Gazette to be of national importance;

(f) "terrestrial television service" means a television broadcasting service provided over the air by using a land-based transmitter and directly received through receiver sets by the public;

(u) "terrestrial radio service" means a radio broadcasting service provided over the air by using a land-based transmitter and directly received through receiver sets by the public.

(2) Words and expression used and not defined in this Ordinance and defined in the Cable Television Networks (Regulation) Act, 1995, the Telecom Regulatory Authority of India Act, 1997, the Indian Telegraph Act, 1885, the Indian Wireless Telegraphy Act, 1933 shall have the meanings respectively assigned to them in those Acts.

07 of 1995.
24 of 1997.
13 of 885.
17 of 1933.

CHAPTER II

MANDATORY SHARING OF SPORTS BROADCASTING SIGNALS WITH PRASAR BHARAT

Mandatory sharing of certain sports broadcasting signels

3. *(1)* No content rights owner or holder and no television or radio broadcasting service provider shall carry a live television broadcast on any cable or Direct-to-Home network or radio commentary broadcast in India of sporting events of national importance, unless it simultaneously shares the live broadcasting signal, without its advertisements, with the Prasar Bharati to enable them to re-transmit the same on its terrestrial networks and Direct-to-Home networks in such manner and on such terms and conditions as may be specified.

(2) The terms and conditions under sub-section (1) shall also provide that the advertisement revenue sharing between the content rights owner or holder and the Prasar Bharati shall be in the ratio of not less than 75:25 in case of television coverage and 50:50 in case of radio coverage.

(3) The Central Government may specify a percentage of the revenue received by the Prasar Bharati under sub-section (2), which shall be utilised by the Prasar Bharati for broadcasting other sporting events.

Penalties.

4. The Central Government may specify penalties to be

imposed, including suspension or revocation of licence, permission or registration, for violation of various terms and conditions as may be specified under section 3, subject to the condition that amount of a pecuniary penalty shall not exceed one crore rupees:

Provided that no penalty shall be imposed without giving a reasonable opportunity to the service provider:

Provided further that no act or omission on the part of any person after the 11th November, 2005 and before the date of promulgation of the Sports Broadcasting Signals (Mandatory Sharing with Prasar Bharati) Ordinance, 2007 shall be subjected to penalties.

CHAPTER III

POWERS OF THE CENTRAL GOVERNMENT TO ISSUE GUIDELINES

Power of the Central issue Guidelines.

5. The Central Government shall take all such measures, as it deems fit or expedient, by way of issuing Guidelines for mandatory sharing of broadcasting signals with Prasar Bharati relating to sporting events of national importance:

Provided that the Guidelines issued before the promulgation of the Sports Broadcasting Signals (Mandatory Sharing with Prasar Bharati) Ordinance, 2007 shall be deemed to have been issued validly under the provision of this section.

. CHAPTER IV

MISCELLANEOUS

Validation.

6. *(1)* The provisions of the Guidelines issued by the Central Government for Downlinking of Television Channels on the 11th November, 2005 and for Uplinking from India on the 2nd December, 2005 for mandatory sharing of the sports broadcasting signals shall be deemed to be valid as if they have been issued under this Ordinance.

(2) Notwithstanding anything contained in any judgement, decree or order of any court, tribunal or other authority, any action taken by the Central Government or the Prasar Bharati in pursuance of the guidelines referred to in sub-section (1) shall be deemed to be and to have always been for all purposes in accordance with the law, as if the Guidelines had been validly in force at all material times and notwithstanding anything as

aforesaid and without prejudice to the generality of the foregoing provisions, no legal proceedings shall be mintained or continued in any court for the enforcement of any direction given by any court or any decree or order which would not have been so given had the Guidelines been validly in force at all material times.

Power of the Central Government make rules.

7. The Central Government may, by notification in the Official Gazette, make rules for carrying out the provisions of this Ordinance. .

Rules and Guidelines to be laid before Parliament.

8. Every rule and Guidelines made and issued, as the case may be, under this Ordinance shall be laid, as soon as may be after it is made or issued, before each House of Parliament, while it is in session for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the exipiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or Guidelines, or both Houses agree that the rule or Guidelines should not be made, the rule or Guidelines shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule of Guidelines.

Saving.

9. The relevant provisions under the Guidelines for Downlinking of Television Channels issued on the 11th November, 2005 and the Guidelines for Uplinking from India issued on the 2nd December, 2005 for mandatory sharing of sports broadcasting signals wih Prasar Bharati, shall continue to remain in force till fresh Guidelines are issued under this Ordinance.

A.P.J. ABDUL KALAM,

President.

K.N.CHATURVEDI,

Secy, to the Govt, of India.

Export Promotion Council for Enterainment Industry

1736. SHRI V. NARAYANASAMY. Will the Minister of INFORATION AND.BROADCASTING be pJeased to state: